

**Statement of Chris Swecker
Acting Executive Assistant Director
Before the House of Representatives
Committee on Homeland Security;
Subcommittee on Management, Integration and Oversight
March 8, 2006**

Good morning Chairman Rogers, Ranking Member Meek, and Members of the Committee. I want to thank you for this opportunity to testify before you today about the FBI's role in the Human Smuggling and Trafficking Center. The Acting Director of the Center is submitting testimony that outlines in detail the structure, staffing and mission of the Center.

Pursuant to Section 7202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), the Departments of State, Homeland Security, and Justice signed a charter in July 2004 to establish the Human Smuggling and Trafficking Center (HSTC). This Center now serves as the federal government's information clearinghouse and intelligence fusion center for all federal agencies addressing human smuggling, human trafficking, and the potential use of human smuggling routes, networks and organizations by known or suspected terrorists. The Department of Justice is represented on the Center's Steering Committee through the participation of the Assistant Attorney Generals of Civil Rights and Criminal Divisions and the FBI Assistant Director of the Criminal Investigative Division. The Department of Homeland Security and the Department of State also have representatives on the Steering Committee. The Steering Committee meets regularly to help guide the growth and direction of this new venture. Each of the AAGs and the AD have designated high-level staff to work closely with the Center Director to provide more day-to-day guidance on the number of issues that arise given that the HSTC is still in development. The Steering Committee is considering the appropriate staffing levels needed in order to carry out the Center's mission. The Steering Committee created a working group for that purpose. The working group has been meeting and is expected to make recommendations to the Steering Committee about staffing issues.

The HSTC develops intelligence into action by law enforcement agencies; serves as the focal point for interagency efforts to address clandestine terrorist travel; serves as the clearinghouse for deconfliction of member agencies efforts regarding human smuggling, human trafficking and clandestine terrorist travel; supports the efforts of the National Counterterrorist Center (NCTC), and prepares an annual strategic assessment regarding vulnerabilities in the United States and international travel systems.

The HSTC is staffed by administrators, investigators, and analysts from the Department of State, the Department of Homeland Security, the Department of Justice, and intelligence community representatives.

The FBI's Criminal Investigative Division has a Supervisory Special Agent and an Intelligence Analyst assigned to the HSTC. Both work closely with their counterparts in the FBI's Counterterrorism Division to ensure the free flow of intelligence and investigative information regarding any possible connections to terrorism. Our analyst at the Center has direct contact with their counterpart in the Counterterrorism Division. There are analysts in the FBI that "stand behind" the ones detailed to the Center. Thus, the analysts detailed to the Center

contribute the combined product of all the analysts back at headquarters. FBI databases are in the Center and the information in the databases is available to other participants through the FBI detailees.

The FBI and the HSTC recently identified a criminal enterprise that was smuggling Special Interest Aliens (SIAs) into the United States, and the FBI subsequently determined this criminal enterprise had a potential nexus to terrorist groups. This intelligence was provided to and is being investigated by the FBI's Counterterrorism Division in conjunction with the appropriate FBI Legal Attaches.

FBI personnel at the HSTC also work with and share intelligence with the Mexico City Intelligence Fusion Center (MCIFC), as well as the FBI Mexico City Legal Attache office, regarding human smuggling and trafficking, and any potential connections to terrorist travel or terrorist organizations. FBI representatives at the HSTC are in the process of establishing intelligence sharing protocols on human smuggling and trafficking matters with all of the Latin American FBI Legal Attache offices, and plan to do the same for the FBI Legal Attaches in Africa and Asia.

The HSTC is currently coordinating the pursuit of another human smuggling and trafficking matter with the Department of State, FBI, Immigration and Custom Enforcement, and international law enforcement counterparts in Asia and Europe regarding smugglers from the United States that are part of a human trafficking ring operating in Europe. The HSTC is coordinating the investigation of this trafficking ring with the appropriate FBI Legal Attache offices in Europe and Asia.

In addition to its participation in the HSTC, the FBI is also using its participation in the Southeast European Cooperative Initiative (SECI) to address its responsibilities for investigating international criminal enterprises engaged in a variety of criminal activity, including human smuggling and trafficking. The SECI operates in much the same way as the HSTC does to facilitate the exchange of information and to coordinate international law enforcement efforts among 12 member and 14 observer countries, primarily focused on transborder crime in the Balkan Region. The 12 member countries included in SECI are Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Moldova, Romania, Slovenia, Serbia/Montenegro, and Turkey. The observer countries are from Austria, Azerbaijan, Belgium, Canada, France, Georgia, Germany, Italy, the Netherlands, Portugal, Spain, Ukraine, the United Kingdom, and the United States.

The SECI also supports the following specialized task forces for countering transborder crime:

1. Human trafficking and people smuggling
2. Drug trafficking
3. Trafficking in stolen vehicles
4. Financial crimes
5. Smuggling of goods and customs frauds
6. Terrorism
7. Other serious transborder crimes

The FBI currently has three agents on TDY assignments for SECI in Bucharest, Romania; Sofia, Bulgaria; and Tirana, Albania.

The FBI utilizes the Enterprise Theory of Investigation (ETI) as one of our main strategies to investigate criminal enterprises that are involved in human smuggling and human trafficking, as well other organized criminal organizations.

ETI is an intelligence driven investigative technique which seeks to identify the full scope of a criminal organization.

ETI is a two step process, which involves identifying the organization and the criminal activities surrounding the organization, while simultaneously identifying the financial assets of the criminal organization for possible forfeiture.

ETI can involve covert techniques, which include informants, physical surveillance, electronic surveillance (wiretaps), undercover operations, and the use of pen registers. ETI can also utilize overt techniques, such as Federal Grand Jury subpoenas, witness interviews, and the review of media reporting.

The ETI approach is used with the Racketeer Influenced and Corrupt Organizations statute, which is better known as the RICO statute. ETI furthers RICO prosecutions by identifying predicate crimes, identifying the existence of a criminal enterprise, and by identifying the individuals in control of the enterprise.

The FBI has received intelligence reports from the Center that some members of MS-13 have been involved in human smuggling by facilitating the transportation of illegal migrants from Latin American countries, through Mexico to the United States, but not on a large scale.

Also, some MS-13 gang members have been smuggled into the United States utilizing the services of established human smuggling networks. This information was derived from interviews of MS-13 gang members at the time of their arrests in the United States.

The FBI supports the efforts of the Center and its effectiveness in combating human smuggling and human trafficking. The FBI's counterterrorism, international organized crime, and domestic trafficking and involuntary servitude/slavery efforts have been and will continue to be enhanced by the valuable contributions of the Center. Thank you again for the opportunity to appear today. I would be happy to answer any of your questions.